

EXECUTIVE COUNCIL OF IOWA AGENDA

State Capitol - Robert D. Ray Conference Room (G09) 10:00 a.m.

August 13, 2018

1. Approval of minutes of meeting held August 6, 2018
2. Iowa Code §7D.10 – Page 1
TAB #1
3. Outside Counsel – Page 1
TAB #2
4. Emergency Allocations – Pages 1-5
5. Payment of Cost Items – Page 6-7

2. Iowa Code §7D.10

- A. Attorney General's office request Payment for Expenses under Iowa Code §7D.10 in the amount of \$19,465.13.

TAB #1

3. Outside Counsel

- A. The Department of Justice, Attorney General's office requests retention of outside counsel pursuant to Iowa Code section 13.3(1) in *Joshua Garringer v. University of Iowa, State of Iowa and Second Injury Fund of Iowa*, a workers' compensation case filed by a state employee.

Firm: Patterson Law Firm, L.L.P.

Attorney: Ryan Clark
505 5th Avenue
Suite 729
Des Moines, IA 50309

Rate: \$120.00 Per Hour

TAB #2

4. Emergency Allocations

- A. Department of Natural Resources is requesting an emergency allocation in the amount of \$3,389.24. On May 6 & 7 there was a theft of machine shed equipment at the Volga River State Recreation Area. Request is to cover costs.

The State Auditor's Office has reviewed this request and recommends allocation, subject to audit of actual invoices.

- B. Iowa Communications Network is requesting an emergency allocation in the amount of \$12,227.66. On July 17, 2018 ICN sustained cable damage due to erosion along Harrison Avenue near Rock Rapids. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation, subject to audit of actual invoices and supporting documentation and demonstration that no costs covered by the maintenance contract have been included.

- C. Iowa Communications Network is requesting an emergency allocation in the amount of \$18,630.36. On July 16, 2018 ICN sustained cable damage due to erosion along Interstate 380 in Johnson County. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation, subject to audit of actual invoices and supporting documentation and demonstration that no costs covered by the maintenance contract have been included.

- D. Iowa Communications Network is requesting an emergency allocation in the amount of \$21,816.51. On July 1, 2018 ICN sustained cable damage due to a washout of Four Mile Creek at NE 62nd Avenue. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation, subject to audit of actual invoices and supporting documentation and demonstration that no costs covered by the maintenance contract have been included.

- E. Department of Public Safety is requesting an emergency allocation in the amount of \$5,215.50. On January 18, 2018 State Patrol Vehicle #59 was damaged by a deer in Montgomery County. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation, subject to audit of actual invoices.

- F. Department of Public Safety is requesting an emergency allocation in the amount of \$2,043.77. On February 7, 2018 State Patrol Vehicle #260 was damaged by a deer on Highway 63. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation, subject to audit of actual invoices.

- G. Department of Public Safety is requesting an emergency allocation in the amount of \$4,081.12. On April 9, 2018 State Patrol Vehicle #383 was damaged by a deer on Highway 146. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation, subject to audit of actual invoices.

- H. Department of Public Safety is requesting an emergency allocation in the amount of \$4,812.10. On March 31, 2018 State Patrol Vehicle #369 was damaged by a deer on Highway 9. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation, subject to audit of actual invoices.

- I. Department of Public Safety is requesting an emergency allocation in the amount of \$8,272.65. On June 17, 2018 State Patrol Vehicle #337 was damaged by a deer on Highway 2. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation, subject to audit of actual invoices.

- J. Department of Public Safety is requesting an emergency allocation in the amount of \$2,630.40. On June 24, 2018 State Patrol Vehicle #92 was damaged by a deer in Allamakee County. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation, subject to audit of actual invoices.

- K. Department of Public Safety is requesting an emergency allocation and reimbursement in the amount of \$17,116.02. On March 15, 2018 State Patrol Vehicle #588 was damaged by a deer on Highway 63. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation and payment. This represents full and final payment and this allocation will be closed.

- L. Department of Public Safety is requesting an emergency allocation and reimbursement in the amount of \$9,950.00. On May 31, 2018 State Patrol Vehicle #567 was damaged by a deer on Highway 61 near Dubuque. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation and payment. This represents full and final payment and this allocation will be closed.

- M. Department of Public Safety is requesting an emergency allocation in the amount of \$3,455.51. On June 8, 2018 State Patrol Vehicle #807 was damaged by a hail in Spencer. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation, subject to audit of actual invoices.

- N. Department of Public Safety is requesting an emergency allocation in the amount of \$4,646.22. On June 9, 2018 State Patrol Vehicle #475 was damaged by hail in Masonville. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation, subject to audit of actual invoices.

- O. Department of Public Safety is requesting an emergency allocation in the amount of \$2,658.25. On June 14, 2018 State Patrol Vehicle #316 was damaged by hail in Kingsley. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation, subject to audit of actual invoices.

- P. Department of Public Safety is requesting an emergency allocation in the amount of \$4,011.27. On May 14, 2018 State Patrol Vehicle #198 was damaged by hail in Mount Vernon. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation, subject to audit of actual invoices.

- Q. Department of Public Safety is requesting an emergency allocation in the amount of \$4,453.36. On June 14, 2018 State Patrol Vehicle #103 was damaged by hail in Moorland. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation, subject to audit of actual invoices.

- R. Department of Public Safety is requesting an emergency allocation in the amount of \$2,675.79. On May 28, 2018 State Patrol Vehicle #224 was damaged by a fallen tree in Ventura. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation, subject to audit of actual invoices.

- S. Department of Administrative Services is requesting a supplemental emergency allocation in the amount of \$3,657.36. This will increase the total allocation to \$11,533.80. On May 16, 2018 power blips at Ankeny Labs damaged equipment. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation, subject to audit of actual invoices.

- T. University of Iowa – Board of Regents is requesting an emergency allocation and reimbursement in the amount of \$6,984.27. On January 2, 2018 a theater arts camera was stolen from vehicle in California. Request is to cover costs.

The State Auditor's Office has reviewed this request and recommends allocation and payment. This represents full and final payment and this allocation will be closed.

- U. University of Iowa – Board of Regents is requesting an emergency allocation and reimbursement in the amount of \$6,324.00. On May 14, 2018 a window shattered at the Campus Recreation and Wellness Center. Request is to cover costs.

The State Auditor's Office has reviewed this request and recommends allocation and payment. This represents full and final payment and this allocation will be closed.

- V. University of Iowa – Board of Regents is requesting an emergency allocation and reimbursement in the amount of \$79,189.90. On April 6, 2016 a pipe burst causing water damage at the Campus Recreation and Wellness Center. Request is to cover costs.

The State Auditor's Office has reviewed this request and recommends allocation and payment. This represents full and final payment and this allocation will be closed.

- W. University of Northern Iowa – Board of Regents is requesting an emergency allocation and reimbursement in the amount of \$21,563.40. On October 30, 2017 an overheated oven caused a fire in the Tall Grass Prairie Building. Request is to cover costs.

The State Auditor's Office has reviewed this request and recommends allocation and payment. This represents full and final payment and this allocation will be closed.

- X. Iowa Veterans Home is requesting an emergency allocation in the amount of \$9,577.75. On July 13, 2018 high wind caused damage to several buildings. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation, subject to audit of actual invoices.

5. Payment of Cost Items

- A. Wandro & Associates, P.C.\$6,750.00
2501 Grand Avenue, Suite B
Des Moines, IA 50312
Unclaimed Property Probate Matters

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Unclaimed Property Fund.

- B. Gray Miller Persh, LLP.....\$583.80
1200 New Hampshire Ave., N.W.
Washington, D.C. 20036
Iowa Public Television

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the funds of Iowa Public Television.

- C. Shindler, Anderson, Goplerud & Weese, P.C.....\$275.00
5015 Grand Ridge Drive, Suite 100
West Des Moines, IA 50265
Peregrine Financial Group (PFG) Bankruptcy

Jeffrey Thompson, Solicitor General has reviewed this invoice and recommends payment. Payment will be made by UNI.

- D. Hall Render Killian Heath & Lyman P.C. (Baker).....\$1,720.37
Suite 2000, Box 82064
One American Square
Indianapolis, IN 46282
University of Iowa Hospitals and Clinics (UIHC) Appeals

Jeffrey S. Thompson, Solicitor General, has reviewed these invoices and recommends payment. Payment will be made from the funds of the University of Iowa Hospitals and Clinics.

- E. Hall Render Killian Heath & Lyman P.C. (Baker).....\$676.92
Suite 2000, Box 82064
One American Square
Indianapolis, IN 46282
University of Iowa Hospitals and Clinics (UIHC) Appeals

Jeffrey S. Thompson, Solicitor General, has reviewed these invoices and recommends payment. Payment will be made from the funds of the University of Iowa Hospitals and Clinics.

- F. Hall Render Killian Heath & Lyman P.C. (Baker).....\$1,065.04
Suite 2000, Box 82064
One American Square
Indianapolis, IN 46282
University of Iowa Hospitals and Clinics (UIHC) Appeals

Jeffrey S. Thompson, Solicitor General, has reviewed these invoices and recommends payment. Payment will be made from the funds of the University of Iowa Hospitals and Clinics.

THOMAS J. MILLER
ATTORNEY GENERAL



IOWA DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

1305 E. WALNUT ST.
DES MOINES, IA 50319
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www.iowaattorneygeneral.gov

ERIC TABOR
CHIEF DEPUTY ATTORNEY GENERAL

August 7, 2018

EXECUTIVE COUNCIL
AUG 08 2018

Ms. Victoria Newton
Executive Secretary
Executive Council
State Capitol
L-O-C-A-L

Re: Request for Payment of SVP Court Costs

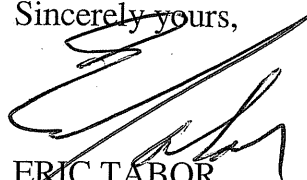
Dear Victoria:

Our Office requests Executive Council approval for payment pursuant to Iowa Code section 7D.10 for court costs and expenses incurred in prosecuting civil commitments under Iowa Code chapter 229A for the Sexually Violent Predator (SVP) program.

In addition to the cost of employee salaries, travel and support devoted to this program, the Office incurs substantial expenses for expert witnesses. These expenses have increased substantially due to the growing number of chapter 229A commitments. Section 7D.10 authorizes payment of court costs and expenses by the Executive Council "[i]f sufficient funds for court costs have not been appropriated to a state department, or if sufficient funds are not otherwise available for such purposes within the budget of a state department." There is no specific appropriation for these expenses and sufficient funds are not otherwise available.

Therefore, pursuant to Iowa Code section 7D.10, the Office requests Executive Council approval of payment of \$19,465.13 in expert witness fees (invoices enclosed).

Sincerely yours,


ERIC TABOR
Chief Deputy

Encl.

THOMAS J. MILLER
ATTORNEY GENERAL

JEFFREY S. THOMPSON
SOLICITOR GENERAL



IOWA DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

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DES MOINES, IA 50319
Main: 515-281-5164 • Direct: 515-281-4419
Email: Jeffrey.Thompson@iowa.gov
www.iowaattorneygeneral.gov

August 7, 2018

Victoria Newton
Executive Secretary
Executive Council
State Capitol
L-O-C-A-L

Re: Retention of Outside Counsel

Dear Victoria:

Our office requests appointment of outside counsel pursuant to Iowa Code section 13.3(1) in *Joshua Garringer v. University of Iowa, State of Iowa and Second Injury Fund of Iowa*, a workers' compensation case filed by a state employee. Because the resolution of this claim may turn on whether the State of Iowa or the Second Injury Fund must pay workers' compensation benefits, our office cannot represent both defendants.

In order to avoid a conflict of interest, the Special Litigation Division has contacted Ryan Clark of the Patterson Law Firm, L.L.P., 505 5th Avenue, Suite 729, Des Moines, Iowa 50309-2390, to represent the Second Injury Fund. Mr. Clark has agreed to represent the Second Injury Fund at the rate of \$120.00 per hour. Our office will represent the State of Iowa.

Accordingly, we request Executive Council approval to retain Mr. Clark to represent the Second Injury Fund in this case.

Sincerely,

JEFFREY S. THOMPSON
Solicitor General